

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
NEW YORK HELICOPTER CHARTER, INC. and :  
MICHAEL ROTH individually :

Plaintiffs

-against-

AIR PEGASUS HELIPORT, INC, HUDSON RIVER  
PARK TRUST and the FEDERAL AVIATION :  
ADMINISTRATION :

Defendants  
----- X

: 07 Civ. 4069 (MGC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the Complaint in this action dated May 24, 2007, attached hereto, the Memorandum of Law in Support of this Motion, dated July 11, 2007, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this court, at the Courthouse at 500 Pearl Street, New York, N.Y, at 9:30 A.M. on the 26<sup>h</sup> day of October, 2007, or as soon thereafter as counsel can be heard, for dismissal of each of the causes of action in the complaint alleged against Defendant Air Pegasus Heliport, Inc. pursuant to Fed. Rules of Civil. Proc. 12(b)(1) and (6) for lack of jurisdiction over the subject matter and failure to state a claim upon which relief may be granted and for such other and further relief as this Court may deem just and proper.

Dated: New York, N.Y.  
October 2, 2007

/s/Leon Friedman  
Leon Friedman  
148 East 78<sup>th</sup> Street  
New York, N.Y. 10021  
(212) 737-0400

Attorney for Defendant  
Air Pegasus Heliport, Inc.